

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAYPOLITAN OU, a corporation organized
under the laws of Estonia,

Plaintiff,

v.

ELOISA MARCHESONI and GIACOMO
ARCARO,

Defendants.

No. 21-CV-5397 (RA)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On June 18, 2021, Plaintiff Paypolitan Ou filed the complaint in this action, asserting claims for breach of contract and conversion, among others. After Defendants sought an extension of time to respond to the complaint but failed to answer or formally appear, Plaintiff moved for default judgment. The Court granted Plaintiff's motion for default judgment on its breach of contract claim on May 26, 2022, and referred the case to Magistrate Judge Lehrburger for an inquest into damages. On August 26, 2022, Judge Lehrburger issued a report and recommendation (the "Report"), to which no party has filed an objection.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge's recommended findings "[w]ithin 14 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2). "When the parties make no objections to the Report, the Court may adopt the Report if 'there is no clear error on the face of the record.'" *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)).

“Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As no objections to Judge Lehrburger’s Report were filed, the Court reviews the Report for clear error. After careful consideration of the record, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Plaintiff is awarded \$809,258.59 in damages and \$532 in costs. The Clerk of Court is respectfully directed to enter judgment for Plaintiff and close this case.

SO ORDERED.

Dated: December 6, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

Ronnie Abrams
United States District Judge